

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

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February 21, 1985

Melvyn W. Price  
Supervising Deputy County Counsel  
County of Sacramento  
700 H Street, Suite 2650  
Sacramento, CA 95814

Re: Your Request for Advice  
Our Advice No. A-85-012

Dear Mr. Price:

This letter is in response to your request for advice regarding the 1984 amendments to Government Code Section 84308<sup>1/</sup> and the effect on the decisions of the planning commission.

### FACTS

In a previous advice letter concerning Section 84308 (No. A-83-080), we concluded that a planning commission makes a decision within the meaning of Section 84308 when:

1. Acting in its advisory capacity, the planning commission votes on a recommendation to the Board of Supervisors; and
2. Acting in its decisionmaking capacity, the planning commission votes on a matter.

Among other changes to Section 84308, the word "final" was inserted before the word "decision." See Section 84308(b) and (d).

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<sup>1/</sup> All statutory references are to the Government Code unless otherwise specified. The amendments are in Stats. 1984, Ch. 1681.

Melvyn W. Price  
February 21, 1985  
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QUESTION

Does the term "final decision" in Section 84308 as amended change the conclusions reached in our previous advice letter?

DISCUSSION

The insertion of the word "final" in Section 84308 does not change the meaning or application of the word "decision" from that given to it previously in our advice letter; it was intended to clarify the calculation of the time limits in the statute. Accordingly, when a planning commission votes on a recommendation or on another matter, it has made a "final decision" within the meaning of Section 84308 even if there will be a subsequent decision in the same matter made by the Board of Supervisors.

If I may be of any further assistance, or if you have any additional questions, please do not hesitate to contact me at (916) 322-5901.

Sincerely,



Diane Maura Fishburn  
Staff Counsel  
Legal Division

DMF:plh



# COUNTY OF SACRAMENTO

## OFFICE OF THE COUNTY COUNSEL

700 H Street, Suite 2650  
Sacramento, CA 95814  
Phone: (916) 440-5544

### Supervising Deputy County Counsel

Thomas A. Darling  
Robert L. Plaines  
Clement J. Dougherty Jr.  
Monte L. Fuller  
Melvyn W. Price

### Deputy County Counsel

Richard D. Mayer  
J. Steven Burns  
Lawrence A. Jones  
William H. Fowler  
Elaine P. DiPietro  
Frank M. Garcia  
Manuel E. Lopes  
Lilly C. Frawley  
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John H. Dodds  
Kathleen A. O'Connor  
Denis J. Zilaff  
Ramona A. Armistead  
Paul Reynaga

January 24, 1985

L. B. Elam

County Counsel

Fred G. Williams

Assistant County Counsel

Barbara Milman  
Chief - Legal Division  
Fair Political Practices Commission  
P.O. Box 807  
Sacramento, California 95804

Re: The Time Periods During Which  
§84308 Restricts the Activities  
of Planning Commissioners

Dear Ms. Milman:

By your advice letter No. A-83-080, dated April 25, 1983, you opined as follows:

1) Where a decision of a planning commission is not final, but merely a recommendation to the Board of Supervisors, the "decision" is made when the vote is taken as to the recommendation.

2) Where the decision of the planning commission is final, the "decision" is made when the commission votes on the matter.

Consequently, you concluded that the time periods that are set forth in §84308 are measured from these "decisions". That is, the requirements of disclosure and disqualification would apply until the date of that decision and the prohibition against accepting a contribution in the amount of \$250 or more would continue for a period of three months after the date of that "decision".

However, the 1984 amendment of §84308 indicates that said section is applicable while a matter is pending before the agency and for three months following the date a "final decision" is rendered in the proceeding.

Barbara Milman

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January 24, 1985

We now inquire whether the term "final decision" would cause you to change the referenced opinion rendered in advice letter No. A-83-080.

Very truly yours,

L. B. ELAM  
County Counsel

By 

MELVYN W. PRICE  
Supervising Deputy

MWP:sd

# State of California



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January 29, 1985

Melvyn W. Price  
Supervising Deputy  
700 H Street, Suite 2650  
Sacramento, CA 95814


Re: A-85-012

Dear Mr. Price:

Your letter requesting advice under the Political Reform Act has been referred to Diane Maura Fishburn, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

  
Barbara A. Milman  
General Counsel

BAM:nwm